

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 42 OF 1991
HOUSE BILL 1102

4 **By: Representatives Jones and Flanagin**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 7-9-104, 7-9-105 AND 7-9-
9 109 TO REQUIRE A PERSON'S BIRTH DATE TO BE INCLUDED ON AN
10 INITIATIVE OR REFERENDUM PETITION; TO PROVIDE THAT THE
11 INFORMATION PROVIDED MAY BE USED AS EVIDENCE OF THE
12 VALIDITY OR INVALIDITY OF THE SIGNATURE; AND FOR OTHER
13 PURPOSES."

14

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. Arkansas Code 7-9-104 is amended to read as follows:

18 "7-9-104. Form of initiative petition.

19 (a) The following shall be substantially the form of petition for any
20 ordinance, law, or amendment to the Constitution of the State of Arkansas
21 proposed by the initiative:

22

INITIATIVE PETITION.

23 To the Honorable _____

24 Secretary of State of the State of Arkansas, or County Clerk, or City
25 Clerk

26 We, the undersigned legal voters of the State of Arkansas, or
27 _____ County, Arkansas, or City of _____ or
28 Incorporated Town of _____ Arkansas (as the case may be)
29 respectfully propose the following amendment to the Constitution of the State,
30 or law, or ordinance (as the case may be), to wit:

31 (Here insert title and full text of measure proposed.)

32

33 _____ and by this,
34 our petition, order that the same be submitted to the people of said state, or
35 county, or municipality (as the case may be), to the end that the same may be
36 adopted, enacted, or rejected by the vote of legal voters of said (state,

1 county, or municipality) at the regular general election to be held in said
2 _____ on the _____ day of _____ 19__, and each of us for
3 himself says:

4 I have personally signed this petition; I am a legal voter of the State
5 of Arkansas, and my printed name, date of birth, residence, and city or town
6 of residence are correctly written after my signature.

7 (b) The information provided by the person on the petition may be used
8 as evidence of the validity or invalidity of the signature. However, if a
9 signature of a registered voter on such petition is sufficient to verify the
10 voter's name, then it shall not be adjudged invalid for failure to sign the
11 name or write the residence and city or town of residence exactly as it
12 appears on voter registration records, nor for failure to print the name in
13 the space provided, nor for a failure to provide the correct date of birth,
14 all such information being an aid to verification rather than a mandatory
15 requirement to perfect the validity of the signature.

16 (c) No additional sheets of voter signatures shall be attached to any
17 such petition unless such sheets contain the full language of the petition."
18

19 SECTION 2. Arkansas Code 7-9-105 is amended to read as follows:

20 "7-9-105. Form of referendum petition.

21 (a) The petition and order of referendum shall be substantially in the
22 following form:

23 PETITION FOR REFERENDUM.

24 To the Honorable _____
25 Secretary of State of the State of Arkansas, or County Clerk, or City
26 Clerk

27 We, the undersigned legal voters of the State of Arkansas, or
28 _____ County, Arkansas, or City (or Incorporated Town) of
29 _____ Arkansas (as the case may be) respectfully order by this, our
30 petition, that Act No. _____ of the General Assembly of the State of
31 Arkansas, approved on the _____ day of _____, 19__, entitled "An Act
32 _____" or Ordinance No. _____ passed by the county quorum court,
33 the city (or town) council of the City (or Incorporated Town), or county of
34 _____, Arkansas, on the _____ day of _____, 19__, entitled
35 "An Ordinance _____" be referred to the people of said state, county or

1 municipality (as the case may be), to the end that the same may be approved or
2 rejected by the vote of the legal voters of the state, or of said county or
3 municipality (as the case may be) at the biennial (or annual, as the case may
4 be, if a city ordinance) regular general election (or at a special election,
5 as the case may be) to be held on the _____ day of _____, 19__; and
6 each of us for himself says:

7 I have personally signed this petition; I am a legal voter of the State
8 of Arkansas, and my printed name, date of birth, residence, and city or town
9 of residence are correctly written after my signature.

10 (b) The information provided by the person on the petition may be used
11 as evidence of the validity or invalidity of the signature. However, if a
12 signature of a registered voter on such petition is sufficient to verify the
13 voter's name, then it shall not be adjudged invalid for failure to sign the
14 name or write the residence and city or town of residence, exactly as it
15 appears on voter registration records, nor for failure to print the name in
16 the space provided, nor for a failure to provide the correct date of birth,
17 all of such information being an aid to verification rather than a mandatory
18 requirement to perfect the validity of the signature.

19 (c) No additional sheets of voter signatures shall be attached to any
20 such petition unless such sheets contain the full language of the petition."

21

22 SECTION 3. Arkansas Code 7-9-109 is amended to read as follows:

23 "7-9-109. Form of verification.

24 (a) Each petition containing the signatures shall be verified in
25 substantially the following form, by the person who circulated the sheet of
26 the petition by his or her affidavit thereon as a part thereof:

27 State of Arkansas)

28 County of _____)

29 I, _____, being first duly sworn, state that the foregoing
30 persons signed this sheet of the foregoing petition, and each of them signed
31 his name thereunto in my presence. I believe that each has stated his name,
32 date of birth, residence or town of residence correctly, and that each signer
33 is a legal voter of the State of Arkansas, _____ County, or City or
34 Incorporated Town of _____.

35 Signature _____

1 Residence _____
2 Subscribed and sworn to before me this the _____ day of _____
3 19__.

4 Signature _____
5 Clerk, Notary, Judge or J.P.

6 Residence _____

7 (b) Forms herein given are not mandatory, and if substantially followed
8 in any petition it shall be sufficient, disregarding clerical and merely
9 technical errors."

10

11 SECTION 4. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

14

15 SECTION 5. If any provision of this Act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the Act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 Act are declared to be severable.

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21 SECTION 6. All laws or parts of laws in conflict with this act are
22 hereby repealed.

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24 APPROVED: 2-7-91

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